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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,281	06/19/2003	Jukka-Pekka Salmenkaita	915-001.013	6450
4955 7590 02/22/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,281	<b>Applicant(s)</b> SALMENKAITA, JUKKA-PEKKA	
	<b>Examiner</b> Dustin Nguyen	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-45 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-12, 20-27, 34, 39, 41 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The claim language in the following claims is not clearly explained:

- I. As per claims 20 and 34, the claimed limitation of "user presence database ... is updated based on *received data*", but claims 19 and 32 claim the step of *receiving notification messages*.

- B. The term "substantially" in claims 10-12, 21-27, 39, 41 and 42 are a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 12, 15-21, 24-27, 30-38, 40 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. [ US Patent No 6,640,241 ].

6. As per claim 1, Ozzie discloses the invention as claimed including a method for notifying communication group members [ i.e. deltas are communicated over a network between network-capable devices ] [ Figure 3; Abstract; and col 4, lines 26-32 ], wherein said notifying is to be performed by a personal communications device operable in a telecommunications network [ i.e. plural network-capable devices connectable ] [ col 4, lines 59-67 ], wherein at least one communication group and the members of said communication groups have been defined in said personal communications device [ i.e. small group or telespaces ] [ col 4, lines 10-19; and col 8, lines 58-67 ], said device executing actions [ i.e. user's action ] [ col 25, lines 62-65 ], said method comprising the steps of

defining the communication actions associated with the notification method (302) [ i.e. the activity includes a tool for causing generation of data change requests, called deltas, responsive to user interactions ] [ col 3, lines 64-66; col 6, lines 37-62; and col 7, lines 38-55 ],

identifying the communication actions associated with the notification method (306) [ i.e. dynamics manager ] [ 501, Figure 5; and col 14, lines 30-56 ],

identifying a communication group having the far-end party of the communication action as a member (308) [ i.e. identify manager ] [ col 11, lines 44-53; and col 12, lines 47-54 ], and

sending notifications to target devices, the users of which belonging to at least one said identified communication group (310) [ i.e. communications manager ] [ col 7, lines 4-18; and col 16, lines 44-63 ].

7. As per claim 2, Ozzie discloses a step of constructing an address table of target devices from a plurality of communication group member lists, said lists comprising the far-end party of the communication action as a member [ col 3, lines 8-17; and col 18, lines 19-30 ].

8. As per claim 3, Ozzie discloses wherein each address appears not more than once in said constructed address table [ i.e. unique address ] [ col 7, lines 61-64 ].

9. As per claim 4, Ozzie discloses a step of receiving notification messages from other devices [ col 7, lines 16-18; and col 17, lines 10-13 ].

10. As per claim 5, Ozzie discloses wherein a user presence database stored in said personal communications device is updated based on received notification data [ col 18, lines 6-18 ].

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11. As per claim 6, Ozzie discloses a step of notifying said target devices on behalf of said far-end party [ col 17, lines 58-col 18, lines 5 ].

12. As per claim 7, Ozzie discloses wherein said notifications comprise presence information of said far-end party [ i.e. presence mechanism ] [ Abstract; and col 15, lines 28-37 ].

13. As per claim 8, Ozzie discloses wherein said identification of actions is based on a predefined list of communication actions triggering the sending of notifications [ col 12, lines 62-col 13, lines 8 ].

14. As per claim 9, Ozzie discloses wherein said notifications comprise one of the following: sounds to be played by said target devices, textual information, or visual symbols associated with said communication groups [ i.e. displaying the move on the chess board ] [ col 15, lines 9-17 ].

15. As per claim 12, Ozzie discloses wherein said communication action is substantially one of the following: initiating a call, answering a call, sending a message, receiving a message, or reading a received message [ col 16, lines 36-43 ].

16. As per claim 15, Ozzie discloses a step of contacting a server for acquiring or updating communication group definitions [ col 16, lines 64-col 17, lines 14 ].

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17. As per claim 16, it is rejected for similar reasons as stated above in claim 1. Furthermore, Ozzie discloses the associations of profiles with actions [ i.e. mapping a destination endpoint specified for a message into one or more other endpoints corresponding to different identities ] [ col 20, lines 7-47 ].

18. As per claims 17-20, they are rejected for similar reasons as stated above in claims 2-5.

19. As per claim 21, it is rejected for similar reasons as stated above in claim 9.

20. As per claim 24, it is rejected for similar reasons as stated above in claim 12.

21. As per claim 25, Ozzie discloses wherein said action is substantially accessing a service [ i.e. share services ] [ col 3, lines 59-64; and col 11, lines 36-44 ].

22. As per claim 26, Ozzie discloses wherein said action is substantially part of a procedure for accessing the internet [ i.e. navigate ] [ col 8, lines 38-41 ].

23. As per claim 27, Ozzie discloses wherein said action is substantially switching the user profile [ Figure 5; and col 13, lines 9-37 ].

24. As per claim 30, it is rejected for similar reasons as stated above in claim 15.

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25. As per claim 31, it is rejected for similar reasons as stated above in claim 1.

26. As per claim 32, Ozzie discloses associate said identified actions with at least one communication group by retrieving the communication group membership information of the far-end party involved in said action from the database stored in said personal communication device [ col 18, lines 6-18 ].

27. As per claims 33-36, they are rejected for similar reasons as stated above in claims 4-7.

28. As per claim 37, it is rejected for similar reasons as stated above in claim 16.

29. As per claim 38, it is rejected for similar reasons as stated above in claim 2.

30. As per claim 40, it is rejected for similar reasons as stated above in claim 8.

31. As per claim 45, Ozzie discloses at least two devices arranged to communicate with each other [ Figure 3; and col 11, lines 2-20 ].

***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 10, 11, 22, 23, 39, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. [ US Patent No 6,640,241 ], in view of Toth et al. [ US Patent Application No 2005/0053068 ].

34. As per claim 10, Ozzie does not specifically disclose wherein said notification is substantially a SMS (Short Message Service) or MMS (Multimedia Messaging Service) message. Toth discloses wherein said notification is substantially a SMS (Short Message Service) or MMS (Multimedia Messaging Service) message [ paragraphs 0048 and 0071 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ozzie and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

35. As per claim 11, Ozzie does not specifically disclose wherein said notification is sent over a connection utilizing substantially IPv6 (Internet Protocol, version 6). Toth discloses wherein said notification is sent over a connection utilizing substantially IPv6 (Internet Protocol, version 6) [ paragraphs 0069 and 0076 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ozzie and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

36. As per claim 22, it is rejected for similar reasons as stated above in claim 10.

37. As per claim 23, it is rejected for similar reasons as stated above in claim 11.

38. As per claim 39, Ozzie does not specifically disclose which is substantially a GSM or UMTS terminal. Toth discloses which is substantially a GSM or UMTS terminal [ paragraphs 0014 and 0016 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ozzie and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

39. As per claim 41, it is rejected for similar reasons as stated above in claim 10.

40. As per claim 42, it is rejected for similar reasons as stated above in claim 11.

41. Claims 13, 14, 28, 29, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. [ US Patent No 6,640,241 ], in view of Denman et al. [ US Patent No 7,170,863 ].

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42. As per claim 13, Ozzie does not specifically disclose a step of adding a new member to a communication group upon receiving a notification associated with the communication group from a person previously not belonging to said communication group. Denman discloses a step of adding a new member to a communication group upon receiving a notification associated with the communication group from a person previously not belonging to said communication group [ i.e. join group ] [ Figure 6; and col 16, lines 48-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ozzie and Denman because Denman's teaching would allow to maintain and manage users for proper communication within user's group.

43. As per claim 14, Denman discloses step of removing at least one member from the communication group, which member has not been active for a predetermined time limit [ i.e. remove user ] [ Figure 9; and col 21, lines 21-62 ].

44. As per claims 28 and 29, they are rejected for similar reasons as stated above in claims 13 and 14.

45. As per claims 43 and 44, they are rejected for similar reasons as stated above in claims 13 and 14.

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46. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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